

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

RECEIVED

Hyde, Robert Alan
RECKITT BENCKISER INC
1655 Valley Road
Wayne
New Jersey 07474
ETATS-UNIS D'AMERIQUE

TO:

PCT

CASE NUMBER

10444P3wo

WRITTEN OPINION

(PCT Rule 66)

RECEIVED

Date of mailing
(day/month/year)

20/11/2003

Applicant's or agent's file reference
10444P3 WORH

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCTGB0301727

International filing date (day/month/year)
23.04.2003

Priority date (day/month/year)
23.04.2002

International Patent Classification (IPC) or both national classification and IPC
C11D3/00

Applicant
RECKITT BENCKISER INC et al

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **Invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23.08.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Richards, M

Formalities officer (incl. extension of time limits)
Janzing, M
Telephone No. +31 70 340-4140



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-35 as originally filed

Claims, Numbers

1-11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)

Claims

WRITTEN OPINIONInternational application No. **PCT/GB03/01727**

Inventive step (IS) Claims 1-11

Industrial applicability (IA) Claims

2. Citations and explanations

see separate sheet

BEST AVAILABLE COPY

Item V

Reference is made to the following documents:

D1: GB-2336371-A

D2: US-6512034-B1

Novelty (Article 33(2) PCT)

None of the documents cited on the International Search Report disclose a hard surface cleaning composition according to claim 1. Novelty of the independent and dependent claims 1 - 11 is thus acknowledged.

Inventivity (Article 33(3) PCT)

The present invention relates to hard surface cleaning and disinfecting compositions comprising at least one cationic germicidal agent. The objective problem to be solved by the present invention is seen as to provide alternative hard surface cleaning and disinfecting compositions, comprising tristyrylphenoethoxylate, which are readily pumpable and have reduced amounts of organic solvents.

D1 is taken as the closest prior art; it also relates to disinfecting and cleaning compositions and comprises a quaternary ammonium compound having germicidal properties. The compositions of D1 do not comprise organic solvent and would be pumpable as they are liquid. The difference between D1 and claim 1 resides in the presence of the tristyrylphenoethoxylate. However D1, see claim 1, states that a nonionic surfactant must be present in the compositions disclosed therein.

Tristyrylphenoethoxylate is known in the art to be a suitable nonionic surfactant for incorporation into detergent compositions, see for instance Clariant product data and D2 claim 1 (the Japanese family member is published in time).

Thus the skilled man starting from D1 and looking for suitable nonionic surfactants to incorporate into the compositions disclosed therein would look to try tristyrylphenoethoxylate, as it is a known nonionic, and would arrive at the subject matter of claim 1. Thus claim 1 is not inventive.

The further features of claims 2 - 11 are also not inventive in view of the disclosures of

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/GB03/01727

D1 and common knowledge in the art.